

**REMARKS**

The Examiner's Office Action of August 9, 2004 has been received and its contents reviewed. By the present amendment, independent claim 1 has been amended and claims 3-16 have been added. Applicant submits that no new matter has been added by the foregoing amendments. Support for the amendment to independent claim 1 can be found, for example, on page 6, lines 6-12 of the specification and, support for the dispersion compensation device set forth in new claims 9-14 can be found, for example, on page 6, line 16, to page 7, line 22, and in FIGs 8 and 9. Accordingly, claims 1-16 are now pending while claims 1, 2 and 9 are independent. In view of these actions and the following remarks, reconsideration of this application is now requested.

Applicants note with appreciation the allowance of independent claim 2. In the present amendment, Applicant has added claims 15 and 16 which are dependent on previously allowed claim 2. Accordingly, Applicant respectfully submits that claims 15 and 16 are allowable as being dependent on an independent allowable claim. Support for these claims can be found, for example, on page 6, lines 8-10, and page 5, line 27, respectively.

On page 2 of the Office Action, the drawings are objected to as not including reference characters mentioned in the specification. Attached hereto are is a Replacement sheet of Figure 6 showing an optical circulator having the following labels: port #1, port #2 and port #3. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection.

Also on page 2 of the Office Action, the specification is objected to as lacking a "Summary of the Invention." In accordance therewith, Applicant has provided a Summary of the Invention section in the present amendment and respectfully requests reconsideration and withdrawal of the objection. Applicant again submits that no new matter has been added.

On page 3 of the Office Action, claim 1 is rejected under 35 U.S.C. §102(b) as being

anticipated by U.S. Patent No. 6,144,784 to Shigehara et al. (hereinafter "Shigehara"). In view of the present amendments and the comments to follow, this rejection is respectfully traversed in that the patent to Shigehara neither discloses nor remotely suggests all claimed features of independent claim 1.

As the Examiner can readily appreciate, an exemplary embodiment of the present invention, as recited in independent claim 1, is directed to a re-configurable wavelength selective device. The device includes an input fiber, where a signal comprising multiple wavelengths  $\lambda_1, \lambda_2, \dots, \lambda_n$  is brought into the device, a cross connect switch which includes a plurality of input port fibers and an array of micro-mirror actuators; and two output fibers, one for a selected wavelength  $\lambda_i$  and the other for the remaining wavelengths  $\lambda_1, \lambda_2, \dots, \lambda_{i-1}, \lambda_{i+1}, \dots, \lambda_n$  which pass through the device unaffected.

Turning specifically to claim 1, Applicant submits that Shigehara does not disclose a cross-connect switch which includes a plurality of input port fibers and an array of micro-mirror actuators. Instead, the teachings of Shigehara appear to merely disclose employment of a directional coupler 2. As indicated in column 2, lines 63-65 of Shigehara, the directional coupler is either an optical fiber coupler or an optical circulator. Applicant respectfully submits that the Shigehara patent does not employ a cross connect switch, as now set forth in independent claim 1. Accordingly, Applicant requests reconsideration and withdrawal of the rejection.

Moreover, Applicant respectfully submits that newly added dependent claims 3-8 are allowable for at least the same reasons as discussed with regard to independent claim 1, as well as for reasons of their own.

Also, Applicant submits that claims 9-14, directed to a reconfigurable dispersion compensation device is allowable over the prior art of record since the claimed device also sets

forth, *inter alia*, a cross-connect switch.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with Applicants' representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brian C. Oakes", is written over a horizontal line.

Brian C. Oakes

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